

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Edward Lee Elmore,

Plaintiff,

v.

City of Greenwood, County of Greenwood,
Lucille C. Young, as personal
representative for the Estate of Police
Chief John Young in his official and
individual capacities, James S. Coursey in
his individual capacity, Mary Dickenson,
as personal representative for the Estate of
Perry Dickenson in his individual capacity,
Alvin R. Johnson in his individual
capacity, Gary Vanlerberghe in his
individual capacity, John T. Owen in his
individual capacity, Thomas W.
Henderson, Jr. in his individual capacity,
Thomas W. Henderson, Jr. in his individual
capacity, William Earl Wells in his
individual capacity, Frank Dan DeFreese in
his individual capacity, Ira Byrd Parnell, Jr.
in his individual capacity, John C. Barron
in his individual capacity, Selma G. Jones,
as personal representative of the Estate of
William T. Jones, III, in his individual
capacity, W. Townes Jones, IV, in his
individual capacity, Selma Thorne Jones in
her individual capacity, Donald John
Zelenka in his individual capacity, Jerry
W. Peace in his individual capacity,
Dorothy Capps, as personal representative
for the Estate of Arlie P. Capps in his
individual capacity, Dr. Sandra Conradi,
and John and Jane Does 1-10, in their
official and individual capacities,

Defendants.

Case Number 3:13-cv-01755-TLW

Order

On June 26, 2013, Plaintiff Edward Lee Elmore filed this civil action alleging violations of his constitutional rights. (Doc. #1). Plaintiff filed an amended complaint on October 4, 2013. (Doc. #5). On December 9, 2013, Defendant Donald John Zelenka filed a motion to dismiss, asserting that he is entitled to absolute immunity. (Doc. #31). The matter now comes before this Court for review of the Report and Recommendation (“Report”) filed by Magistrate Judge Kaymani D. West, (Doc. #83), to whom this case is assigned. In the Report, the Magistrate Judge recommends that the Court grant Defendant Zelenka’s motion to dismiss, (Doc. #31), and dismiss with prejudice Plaintiff’s causes of action against Defendant Zelenka. Objections were due by July 14, 2014. Plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

This Court has carefully reviewed the Magistrate Judge’s Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge’s Report and Recommendation, (Doc. # 83), is **ACCEPTED**. Defendant Donald John Zelenka’s Motion to Dismiss, (Doc. #31), is **GRANTED** and Plaintiff’s causes of action against Defendant Donald John Zelenka are **DISMISSED** with prejudice.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

August 27 2014
Columbia, South Carolina